

FISCAL MEMORANDUM
HB 2882 – SB 3038

March 19, 2008

SUMMARY OF AMENDMENT (014268, 014876): Amendment 014268 deletes all language of the original bill; creates the Tennessee Administrative License Revocation Act of 2008; authorizes law enforcement to confiscate the driver's license of any individual being charged with DUI for the purpose of an official administrative revocation hearing to be conducted by the Department of Safety (DOS); establishes procedures to be followed for law enforcement officers, charged individuals, and DOS; requires DOS to issue to charged individuals a temporary permit, good for 90 days, or a temporary photo identification license; requires DOS to reimburse local governments for the cost of law enforcement officers attending revocation hearings; requires charged individuals to pay to the DOS administrative processing fees up to \$200. Amendment 014876 makes the proposed revocation of driving privileges dependent upon a determination that by a preponderance of the evidence the results of the breathalyzer test or the chemical blood test show the person drove or was in actual control of a motor vehicle while under the influence of alcohol or drugs; adds language that establishes the sole issues for driver license revocation hearings.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Revenue – Net Impact - \$500,000
 Increase State Expenditures - \$187,000 / One-Time
 \$2,406,600 / Recurring

Increase Local Revenue – Exceeds \$150,000
Increase Local Expenditures* - Exceeds \$500,000

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Revenue - \$0 / FY08-09
\$2,320,500 / FY09-10
\$5,400,300* / FY10-11 and Succeeding Years

Increase State Expenditures –
\$ 2,786,500 / FY08-09 (included in the Governor's FY08-09 Budget)
\$ 5,489,800* / FY09-10 and Succeeding Years

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Increase Local Revenue - \$68,700

Increase Local Expenditures - \$68,700**

Other Fiscal Impact - No revenue will be generated in FY08-09. Program costs of \$2,786,500 in FY08-09 will be funded by a one-time appropriation included in the Governor's FY08-09 Budget. Program costs will increase to a total of \$5,489,800 in FY09-10 (and succeeding years). Program costs in FY09-10 will be funded partially by revenue in the amount of \$2,320,500. A one-time appropriation of \$3,169,300 will be required in FY09-10 to fund the difference. Beginning in FY10-11, revenue will increase to \$5,400,300 per year and program costs will remain at \$5,489,800 per year.

***For clarity, revenue and expenditures are shown as cumulative rather than incremental in each year.**

Assumptions applied to amendment:

- DOS indicates approximately 34,000 DUI arrests and approximately 27,000 convictions per year.
- To implement the provisions of this bill DOS will require the following additional resources: 44 additional positions in the Driver License Issuance Division; 17 additional positions in the Information Processing Division; two additional positions in the Human Resource Division; two additional positions in the Fiscal Services Division; three additional positions in Information Resources; and seven additional positions in the Legal Division. The total number of positions required is estimated to be 75. The recurring increase to departmental expenditures is estimated to be \$4,563,900 per year (salary, benefits, supplies, communications, etc.) One-time expenditures associated with the creation of these positions are estimated to be \$717,400.
- According to DOS, these positions will be hired throughout FY08-09 in preparation for full implementation by FY09-10. The Department indicates that approximately \$2,069,100 of full-year recurring expenditures will be incurred during FY08-09.
- Total first-year (FY08-09) expenditures for the DOS are estimated to be \$2,786,500 (\$2,069,100 + \$717,400 = \$2,786,500). This amount is included in the Governor's FY08-09 Recommended Budget for implementation of the Tennessee Administrative License Revocation Act of 2008.
- The Administrative Office of the Courts (AOC) has indicated that it expects the number of appeals to increase due to this legislation. As a result, at least two additional Chancellor positions will be required to handle the additional number of appeals. The recurring increase to

state expenditures resulting from the two Chancellor positions is estimated to be \$538,200 per year (salary, benefits, secretarial support, communications, office space, supplies, etc.). One-time state expenditures associated with the two Chancellor positions is estimated to be \$46,000. These positions will not be required until FY09-10.

- The Office of Attorney General indicates that it would be required to represent DOS in appealed cases. As a result, three additional attorney positions would be required. The recurring increase to state expenditures for three additional attorney positions is estimated to be \$319,000 per year (salary, benefits, communications, supplies, etc.). These positions will not be required until FY09-10.
- DOS will receive additional state revenue derived from processing fees, reinstatement fees, fees for filing proof of financial responsibility, and the issuance of driver licenses, temporary permits, and photo identifications.
- Based on DUI arrests and convictions data, DOS estimates the recurring increase of state revenue (from all additional revenue sources) to be approximately \$5,400,300 per year (beginning with the first fully-implemented year FY10-11). No additional state revenue in FY08-09 due to July 1, 2009 effective date. The increase of state revenue for FY09-10 is estimated to be \$2,320,500.
- According to the Tennessee Bureau of Investigation, this bill will have no impact on departmental revenue or expenditures.
- The increase to local government expenditures resulting from law enforcement officers being required to testify at hearings is estimated to be \$68,700 per year. These expenses will be reimbursed by the DOS.
- Any change to state or local government revenue or expenditures attributable to amendment 014876 is considered not significant.

***Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/rnc